

C. CHRISTINE MALONEY (SBN 226575)  
MALONEY EMPLOYMENT LAW  
203 Flamingo Road, Suite 305  
Mill Valley, CA 94941  
Telephone: (415) 754-8081  
Email: [christine@maloney-worklaw.com](mailto:christine@maloney-worklaw.com)

Attorney for Defendant  
CITY OF RICHMOND

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

DAVID BATISTE,	)	Case No. 4:22-CV-01188 HSG
	)	
Plaintiff,	)	STIPULATION TO CHANGE THE TIME OF
vs.	)	OPPOSITION AND REPLY PAPERS ON
	)	DEFENDANT CITY'S MOTION FOR
CITY OF RICHMOND; HUGO	)	SUMMARY JUDGMENT; SUPPORTING
MENDOZA; TIM HIGARES; and DOES	)	DECLARATION; ORDER
1-50,	)	[LOCAL RULE 6-2]
	)	
Defendants.	)	Hearing Date: June 8, 2023
	)	Time: 2:00 p.m.
	)	Location: Courtroom 2, 4 <sup>th</sup> Fl. (Oakland)
	)	
	)	Complaint Filed: 2/25/2022
	)	Trial Date: 8/21/2023
	)	
	)	

**I. STIPULATION**

Plaintiff DAVID BATISTE and Defendant CITY OF RICHMOND, by and through their undersigned counsel, hereby stipulate and agree as follows:

1. A summary judgment hearing is set before this Court for June 8, 2023, at 2:00 p.m. (Dkt. No. 68). Pursuant to Local Rule 7-2 opening papers were due on May 4, 2023, opposition papers are due on May 18, 2023, and reply briefs are due on May 25, 2023.

2. Defendant Hugo Mendoza filed a timely motion for summary judgment on May 4,

2023. (Dkt. No. 69). There is no request to change the briefing deadlines on Defendant Mendoza's motion.

3. Defendant City of Richmond filed its motion for summary judgment a day late on May 5, 2023 (Dkt. No. 70). This was due to illness/incapacity of the City's counsel as set forth in the conjoined declaration.

4. Counsel for Plaintiff Batiste and Defendant City stipulate and agree to the following modification of the briefing schedule on the City's motion for summary judgment: Plaintiff's opposition papers will be due one day later on May 19, 2023 and Defendant City's reply brief will still be due on May 25, 2023, shortening its reply time by one day. This modification ensures that Plaintiff has the full 14 days to oppose the motion and it will not impact the time the Court has with the motion after briefing is complete.

5. The parties previously stipulated to change the summary judgment hearing date. Dkt. No. 67). There have been no other modifications to the case schedule.

IT IS SO STIPULATED.

DATED: May 9, 2023

BRYANT LAW GROUP

*/s/ Conrad Wu*

\_\_\_\_\_  
Paul L. Alaga  
Conrad Wu  
Attorneys for Plaintiff  
David Batiste

DATED: May 9, 2023

MALONEY EMPLOYMENT LAW

*/s/ C. Christine Maloney*

\_\_\_\_\_  
C. Christine Maloney  
Attorney for Defendant  
City of Richmond

**II. DECLARATION OF COUNSEL**

**C. CHRISTINE MALONEY DECLARES:**

A. I am an attorney licensed in California and admitted to practice before this Court. I represent Defendant City of Richmond in this action. I have personal knowledge of the following facts and am competent to testify about them.

B. On or about Tuesday, May 2, 2023, I began to feel an illness coming on. By Thursday, May 4<sup>th</sup>, I had a fever, headache, body aches, dizziness and weakness. I continued to push through and work on finishing Defendant City's motion for summary judgment but I hit a wall Thursday evening, could no longer focus, and had to stop. After some rest, I finished the motion on Friday and filed it.

C. I am a sole practitioner and did not have anyone to whom I could delegate completion of the motion on short notice.

I declare under the penalty of perjury of the laws of the United States that the foregoing is true and correct.

Executed this 9<sup>th</sup> day of May, 2023, at Sausalito, California.


/s/ C. Christine Maloney

\_\_\_\_\_  
C. Christine Maloney

**III. ORDER**

Pursuant to the foregoing Stipulation, IT IS SO ORDERED.

DATED: 5/10/2023

  
Hon. Haywood S. Gilliam, Jr.  
United States District Court Judge